

## **Permitting & Assistance Branch Staff Report**

Modified Solid Waste Facilities Permit for

Escondido Resource Recovery Facility

SWIS No. 37-AA-0906

July 16, 2013

### **Background Information, Analysis, and Findings:**

This report was developed in response to the County of San Diego Department of Environmental Health – Solid Waste Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Escondido Resource Recovery located in the City of Escondido, and owned by JEMCO Equipment Corp., and operated by Escondido Resource Recovery. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on June 13, 2013. A new proposed permit was received on July 3, 2013. Action must be taken on this permit no later than September 1, 2013. If no action is taken by September 1, 2013 the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

### **Proposed Project:**

The following changes to the first page of the permit are being proposed:

	Current Permit (2002)	Proposed Permit
Mailing Address of the Facility Owner	Jemco Equipment Corp. P.O. Box 1187 Ramona, CA 92065	Jemco Equipment Corp. 224 S. Las Posas Rd. San Marcos, CA 92078
Permitted Operation	Transfer Station; Material Recovery Facility	Transfer/Processing Facility
Permitted Traffic Volume	Average Daily Trips - Total: 3,232 PCE/Day Collection Trucks - Maximum 864 PCE/Day Transfer Trucks - Maximum 816 PCE/Day Self-Haul Trucks - Maximum 1,152 PCE/Day Staff – 400 PCE/Day * See LEA Conditions 16.e.	Deleted
Key Design Parameters	Total Permitted Facility including Transfer, Material Recovery & Processing Maintenance, Storage and Handling Areas – 5.97 Acres  Design Capacity *See RSI Page 3-5 Design Calculations – 3,402 Tons/Day	Maintenance, Storage and Handling Areas – 5.97 Acres  Design Capacity ** - 5,249 Tons/day  ** See TPR 3.5 Design Calculations

Other Changes include:

1. Submittal of a revised Transfer/Processing Report (TPR), dated March 2013, to reflect the proposed changes; and
2. Revisions to the following sections of the SWFP: "Findings," "Documents," and "LEA Conditions" including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

**Key Issues:**

The proposed permit will allow for the following:

1. A correction to the total square feet of the transfer station building from 48,605 sq. ft. to 53,285 sq. ft. based on the operator's review of original as-built technical drawings and measurements taken of the facility. This correction is on paper only and is not a facility expansion; and
2. As a result of this correction, the design capacity, utilizing a pile height of twelve feet instead of nine feet, was recalculated resulting in an updated design capacity for the amount of municipal solid waste storage on the tipping floor from 3,402 tons per day to 5,249 tons per day. However, the maximum permitted tonnage of 2,500 tons per day has not changed.

**Findings:**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 7, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on December 10, 2012. The LEA provided a copy to the Department on December 12, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on July 3, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 13, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	identified in the Nondisposal Facility Element, as described in their memorandum dated July 12, 2013.	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 21, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 13, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Notice was posted by the LEA on May 6, 2013. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on May 21, 2013, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the Transfer/Processing Facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- June 2008 through June 2013 – No violations were noted.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Escondido, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: a correction to the total square feet of the transfer station building from 48,605 sq. ft. to 53,285 sq. ft. based on the operator's review of original as-built technical drawings and measurements taken of the facility. As a result of this correction, the design capacity, utilizing a pile height of twelve feet

instead of nine feet, was recalculated resulting in an updated design capacity for the amount of municipal solid waste storage on the tipping floor from 3,402 tons per day to 5,249 tons per day. These changes are supported by the following environmental document.

A Supplemental Environmental Impact Report (SEIR), dated January 2002, State Clearinghouse No. 2001061086, was circulated for a 30 day comment period from January 10, 2002 to February 8, 2002. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation Monitoring and Reporting Program. The Final SEIR, together with the Mitigation Monitoring and Reporting Program, was approved by the Lead Agency on March 28, 2002.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the SEIR as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the SEIR, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the SEIR adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. Public Notice was posted on the County of San Diego website by the LEA on May 6, 2013. No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 18, 2013 and July 16, 2013.